

REMARKS—claims**Rejections under 112:**

Claims 4 and 6 having been canceled, only claim 5 stands. In the preamble, Applicant clearly states that the claim is directed at a method of replacement of a cake of custom shaped soap from a soap holding device and which comprises steps by having a preamble that reads as follows: "A method of replacement of a cake of custom shaped soap from a soap holding device comprising the steps of."

If Examiner can think of a better preamble to announce a claim directed at a method of replacement of a cake of custom shaped soap from a soap holding device than the current preamble, he is welcomed to write one.

Rejections under 101:

Claim 5 has been rewritten to be directed at a process.

Rejections under 102 and 103

The patent by Beacham concerns a container for retaining and dispensing an air freshener. As disclosed by Beacham, such containers should allow for controlled opening for carefully regulated rates of volatilization of the product which is great enough to ensure effectiveness, but low enough to maximize the life of the unit. In addition, it is desirable that such containers

achieve an effective seal to ensure that it will exhibit extended shelf life and home storage life prior to use without significant loss of the volatile product.

This functionality which is required for making an efficient container for retaining and dispensing an air freshener explains the purpose of certain components such as the openings around the periphery which are to aid the volatilization of the product. This purpose is quite foreign to the purpose of the openings in this instant invention which has to do with evacuating unwanted spill water which is an unwanted substance that need to be evacuated. The volatizing substance in Beacham is not an unwanted substance but rather the "raison d'être" of his invention it is the purpose of Beacham's invention to allow for an aroma to exit the device.

As for comparing parts 72, 78 and 66 relating to connecting the retaining ring and the bottom seat. Beacham's parts are centrally located and have more in common with a snap button than the radial insertion means used in Applicant's invention. Beacham's invention and this Applicant's invention are so remotely different in their approach whether as per structure or implementation that they cannot be seriously compared.

One cannot try to have Beacham's invention perform a soap holding operation without undue modifications which would utterly destroy the functionality of what Beacham's invention is intended to do. Examiner cannot attempt to redesign and transform Beacham in order to have it perform the function of Applicant's invention.

Case in point:

Firstly, this instant invention's purpose is to allow for a cake of soap to be easily accessible to a user, now, with cap 60 of Beacham's covering what could, by a stretch of the imagination, be replaced by a soap, namely the pad 48, how in heaven's name is a user supposed to get to the soap if it lies hidden and fully covered by the cap 60 ?

Secondly, the openings in Beacham's invention, which Examiner defines as being the spaces defined between reference number 88 and which Examiner further defines as being equivalent to the gateways (20) of this instant invention, communicate with the exterior of the device at a location between the top of cup 12 and cap 60, that is at a location situated at the top of Beacham's device. The gateways (20) of this instant invention have openings which are located at the lowest possible location on retaining ring (12) because water needs to be evacuated and water flows downwardly, not upwardly as gas (volatile substance) does. Using the openings of Beacham as they are located would keep undue amounts of water within the device which would prematurely dissolve the cake of soap -- not a desirable feature.

Clearly, because both inventions teach away from each others, Beacham's reference cannot be considered to be a pertinent reference because its purpose is incompatible with the purpose of this instant invention and should not be considered as a relevant prior art.

The other cited references have been analyzed and are considered to be even less relevant than Beacham. Applicant understands why Examiner did not see fit to rely upon them.

Applicant hopes that he has responded to the Office Action in an appropriate manner

Requests for Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define unobvious structure because it produces new and unexpected results. If for any reasons the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



Applicant pro se